

4-N

1-30-2008

4N Massage  
Therapy

My name is Nilda Tull, I am the Director of the North Texas School of Swedish Massage.

In September 2005, I addressed the fact that administrative rules were silent, where Texas Occupations Code<sup>1</sup> mandated a maximum number of internship hours to be named, by rule. June 2004 our school was fined for allowing extended student internships. I knew competitive schools were selling programs that included extended internship. Dan Meador, DSHS General Counsel assured me that "The rule does not use the word maximum regarding the 50 hour internship, but it is the maximum." Our school paid the fine, stopped extended internships and I approximate lost \$70,000 per year.

Another school with the same issue, requested a hearing<sup>2,3</sup>. It was touted by some, that Dan Meador had never lost a case so; the competitor school was sure to be fined. Judge Ami Larson at the State office of Administrative Hearings ruled my competitor to be within full rights of the law and rules to allow programs with extended internships. Subsequently DSHS just created rule 141.34 (j) and again stopped extended internship programs.

Now comes HB 2644 adding 200 additional classroom hours, with no additional internship; but, Heather Mueher assured TAMSO<sup>4</sup> representatives that the 50 hour maximum internship could be addressed by rule.

TAMSO submitted changes to Rule 141.34 (j) asking that the maximum number of hours a student may accumulate in an internship before the student is required to be licensed may not exceed a number that is equal to one-third of the entire length of the massage therapy educational program.

<sup>1</sup> Texas Occupations Code 455 Sec. 455.055 (4)

<sup>2</sup> Texas Occupations Code 455 Sec. 455.252

<sup>3</sup> Case # 573-03-0538 Judge Amy Larson Date 2/9/2006

<sup>4</sup> Texas Association of Massage School Owners

proposed  
Rule  
140.338(j)

At the October 1, 2007 stakeholders meeting, to my recollection, every single stakeholder who spoke, was in favor of this 1/3<sup>rd</sup> rule. Ignoring that fact, like ignoring the administrative law judges decision; DSHS has been relentless in its attempts to limit what is now imperative due to the clinical competencies<sup>5</sup> required in the new curriculum. Where the previous curriculum called for techniques to make painful muscles & joints more supple; the new curriculum requires explanations on specific diagnosable muscle and joint dysfunction.

Ladies and Gentlemen there is a huge difference in teaching Swedish Massage that elicits more supple muscles and joints vs. Swedish Massage that addresses diagnosable ailments like TMJ dysfunction, shoulder, hip, knee and low back pain, eye strain and Myofascial pain. Frankly it is reckless for DSHS to limit reasonable practice time and simultaneously require specific competencies for diagnosable pain patterns.

With this in mind I implore DSHS Council to minimally allow 175 additional **optional** internship hours so that massage schools will be able to teach the new mandated curriculum and students can choose additional practice time if they believe it necessary. This protects the students the schools and the public.

DSHS Council Meeting  
January 30 & 31, 2008

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<sup>5</sup>Massage Competency #3. c., f., g., j.